

Pages 1-26

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Thomas S. Hixson,
United States Magistrate Judge

IN RE:)
)
SOCIAL MEDIA ADOLESCENT)
ADDICTION/PERSONAL INJURY) **Case No. 22-MD-03047-YGR**
PRODUCTS LIABILITY)
LITIGATION.)
_____)

San Francisco, California
Thursday, July 6, 2023

TRANSCRIPT OF REMOTE PROCEEDINGS

APPEARANCES ON NEXT PAGE.

TRANSCRIPTION SERVICE BY:

Dipti Patel, CET-997
Liberty Transcripts
7306 Danwood Drive
Austin, Texas 78759
(847) 848-4907

APPEARANCES VIA ZOOM VIDEOCONFERENCE:

For the Plaintiffs:

MOTLEY RICE LLC
401 9th Street NW, Suite 630
Washington, DC 20004

BY: PREVIN WARREN, ATTORNEY AT LAW

SEEGER WEISS LLP
55 Challenger Road
Ridgefield Park, New Jersey 07660

BY: JENNIFER SCULLION, ATTORNEY AT LAW
CHRISTOPHER AYERS, ATTORNEY AT LAW

SEEGER WEISS LLP
100 Church Street
New York, New York 10007

BY: ERICA KUBLY, ATTORNEY AT LAW

LIEFF CABRASER HEIMANN & BERNSTEIN
275 Battery Street, Suite 2900
San Francisco, California 94111

BY: LEXI J. HAZAM, ATTORNEY AT LAW

LIEFF CABRASER HEIMANN & BERNSTEIN
250 Hudson Street, 8th Floor
New York, New York 10013

BY: JASON LICHTMAN, ATTORNEY AT LAW

For Defendants Meta Platforms, Inc. f/k/a Facebook Holdings, LLC, Facebook Operations, LLC, Facebook Payments, Inc., Facebook Technologies, LLC, Instagram, LLC, Siculus, Inc., and Mark Elliot Zuckerberg:

COVINGTON & BURLING, LLP
1999 Avenue of the Stars
Los Angeles, California 90067

BY: ASHLEY M. SIMONSEN, ATTORNEY AT LAW

For Defendants TikTok, Inc. and ByteDance, Inc.:

FAEGRE DRINKER BIDDLE & REATH LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402

BY: AMY R. FITERMAN, ATTORNEY AT LAW

APPEARANCES VIA ZOOM VIDEOCONFERENCE (CONTINUED) :

For Defendants YouTube, LLC, Google, LLC, and Alphabet, Inc.:

WILSON SONSINI GOODRICH & ROSATI
12235 El Camino Real
San Diego, California 92130

BY: SAMANTHA MACHOCK, ATTORNEY AT LAW

For Defendant Snap, Inc.:

MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW
Suite 500 E
Washington, D.C. 20001

BY: LAUREN BELL, ATTORNEY AT LAW

1 Thursday - July 6, 2023

1:08 p.m.

2 P R O C E E D I N G S

3 ---000---

4 **THE CLERK:** Good afternoon. We are here in Civil Action
5 22-3047, In re Social Media Adolescent Addiction/Personal
6 Injury Products Liability Litigation; the Honorable Thomas S.
7 Hixson presiding.

8 Let's start with plaintiffs' counsel, and then we'll go
9 down the line from there.

10 **MR. AYERS:** Good afternoon, Your Honor.

11 Chris Ayers of Seeger Weiss on behalf of plaintiffs.

12 **MS. KUBLY:** Good afternoon, Your Honor. Erica Kubly with
13 Seeger Weiss on behalf of plaintiffs.

14 **MS. SCULLION:** And Jennifer Scullion from Seeger Weiss on
15 behalf of plaintiffs.

16 **MS. HAZAM:** Good afternoon, Your Honor.

17 Lexi Hazam of Lieff Cabraser on behalf of plaintiffs. I
18 believe Jason Lichtman of my office is in the waiting room.
19 If he could please be admitted.

20 **THE CLERK:** Okay. Let me see. Oh, there he is. Thank
21 you.

22 **MS. HAZAM:** Thank you.

23 **MR. WARREN:** In the meantime, Previn Warren with Motley
24 Rice for the plaintiffs.

25 **THE CLERK:** Ms. Okay. So Mr. Lichtman's there. Okay,

1 Mr. Lichtman, can you state your name, please?

2 **MR. LICHTMAN:** Good morning. Jason Lichtman, Lieff
3 Cabraser Heimann & Bernstein, on behalf of plaintiffs.

4 **THE CLERK:** All right. Now I need the Meta defendants,
5 please.

6 **MS. SIMONSEN:** Good afternoon, Your Honor.

7 Ashley Simonsen with Covington & Burling for the Meta
8 defendants.

9 **MS. CHAPUT:** Good afternoon, Your Honor.

10 Isaac Chaput, also with Covington, on behalf of the Meta
11 defendants.

12 **THE CLERK:** Okay. And Snap.

13 **MS. BELL:** Good afternoon.

14 Lauren Bell from Munger, Tulles & Olson on behalf of
15 Snap.

16 **THE CLERK:** And TikTok?

17 **MS. FITERMAN:** Good afternoon.

18 Amy Fiterman, Fagre Drinker, on behalf of TikTok.

19 **THE CLERK:** And YouTube.

20 **MS. MACHOCK:** Good afternoon.

21 Samantha Machok from Wilson Sonsini on behalf of the
22 Google/YouTube defendants.

23 **THE CLERK:** Thank you. That's it, Judge.

24 **THE COURT:** All right. Good afternoon, everyone.

25 We're here to discuss the parties' proposed preservation

1 orders. And I'll give you my reactions to each side's orders,
2 and then I want to talk with the parties about what would be a
3 productive way to go forward.

4 The defendants' proposed order I'm not prepared to enter.
5 It sharply limits the defendants' preservation obligations in
6 a number of ways, and without explaining to me why that would
7 be appropriate. And I don't understand what the implications
8 would necessarily be if I were to agree with defendants'
9 limitations.

10 I'm not saying that to say the filing was somehow
11 improper. You submitted a proposed order, and so it doesn't
12 have a lot of explanation for what it was advocating for.
13 Maybe that's what we need to get into in some sort of motion.
14 But it seemed like I would need more explanation about why
15 those limitations would be appropriate before I could just go
16 ahead and order that those items don't need to be preserved.

17 Conversely, but the plaintiffs' order I don't know what
18 it would accomplish. It has a long list of potentially
19 relevant topics, and then the operative paragraph purports to
20 order the defendants to use reasonable and proportional
21 methods to preserve those items. And it seems like the
22 problem is that there's a disagreement about what is
23 reasonable and proportional.

24 And I feel like if I just signed off on an order that
25 said do what is reasonable and proportional, I wouldn't in my

1 own mind have an understanding of what exactly I'm ordering.
2 The order wouldn't really say, and we would just be kicking
3 the can down the road so that later if the defendants failed
4 to preserve something, at that point we'd have a debate about
5 whether it was reasonable and proportional.

6 In other words, I don't see the plaintiffs' order as
7 really deciding anything and the defendants wouldn't know what
8 to do with that order. But I gathered that the two sides
9 would like to have some form of preservation order.

10 So let me first turn to plaintiffs. And I'm not willing
11 to enter the order that you've submitted because it has this
12 vagueness problem. But what are your goals that you're trying
13 to achieve, and how can we move toward those goals? I realize
14 that's a pretty broad and open-ended question, but that's the
15 issue that I'm struggling with. So why don't you go ahead.

16 **MR. AYERS:** Sure. Thank you, Your Honor. This is Chris
17 Ayers on behalf of plaintiffs.

18 The order is trying to help guide the parties by
19 identifying the and by delineating the various topics and
20 issues that we believe are relevant, potentially relevant
21 information that the parties can go particularly with respect
22 to the list of itemized topics for the defendants that they
23 could use to help guide themselves to identify the relevant
24 sources that contain such information to make sure that that
25 information is then preserved.

1 With respect to reasonable and proportionate, we
2 understand that proportionality is obviously a fundamental
3 part of the Federal Rules and the litigation process.
4 However, the proportionality is also something that is to be
5 decided through a meet-and-confer process, through a
6 demonstration of going through the six factors that are
7 outlined in both the Federal Rules as well as the Court's --
8 this district's ESI guidelines.

9 And so the plaintiffs' order tried to kind of -- tried to
10 actually articulate what proportionality would and defined
11 proportionality as a process in which the parties would meet
12 and confer to actually have the proportionality be
13 demonstrated rather than unilateral determinations of what is
14 reasonable and proportional.

15 So we tried to address that vagueness by defining what
16 proportionality would mean and making sure that the parties
17 would meet and confer and have a demonstration of
18 proportionality.

19 But our focus was really at this stage of litigation is
20 to make sure the parties are guided by what they believe is
21 relevant to this litigation by specifying specific and
22 delineated issues to help guide the parties with respect to
23 that issue rather than try to specify the limited information
24 that would be preserved while carving out undelineated
25 potential topics and categories of information and

1 repositories without obviously proper disclosure and meet and
2 confer about that information that would not be subject to
3 preservation.

4 **THE COURT:** Okay, thank you. That's helpful.

5 One thing I think that the plaintiffs' proposed order did
6 a good job of doing is describing what you think the
7 potentially relevant information is. You lay that out in some
8 detail, so I think that was a step forward.

9 But let me ask plaintiffs since I'm not going to enter
10 either side's proposed orders, what do you think is the right
11 next step? What should the parties do to move this forward?
12 What do you think?

13 **MS. AYERS:** I think if the Court would direct the parties
14 to conduct the detailed and informative meet and confers that
15 would be on the record and documented in a memorialized
16 fashion pursuant to the ESI guidelines of this district and as
17 well as a checklist to go through a meet-and-confer process to
18 specific delineate and spell out areas of which the parties
19 believe are overly burdensome or disproportionate to the needs
20 of the case, going through the various factors and
21 demonstrating that need, rather than having a unilateral
22 determination of those.

23 So if the parties were to meet and confer and actually
24 have true conferral process that would be documented, not
25 informal, not off the record, I believe that would be very

1 helpful to specifying and understanding where the parties
2 stand with respect to proportionality, where the documents and
3 relevant information as spelled out in the plaintiffs'
4 proposed order, where those documents reside, what systems
5 hold those, which systems would be accessible, and which
6 systems the defendants believe are not reasonably accessible
7 but may be searched -- excuse me, may be preserved but not
8 necessarily searched and collected at this time.

9 So those types of detailed conferrals that are spelled
10 out in the guidelines as well as the Federal Rules of 26 and
11 Rule 16, that would be helpful in moving the ball forward.

12 **THE COURT:** Okay. So you would like an on-the-record
13 meet and confer. Is that right?

14 **MR. AYERS:** Yeah. I think it would also be beneficial to
15 also include technical experts so it's not just
16 attorney-to-attorney conferrals but actually have
17 representatives from the defendants who have technical
18 expertise. These are very complex and sophisticated data
19 repositories and data sources.

20 And so even on these off-the-record attorney-to-attorney
21 informal conferrals, numerous times there's been by no -- by
22 all good faith intended, there have been various things that
23 they needed to correct, various statements they needed to
24 correct because the information was updated or wrong because
25 of certain information they received from their client.

1 It's common that oftentimes it's very difficult to get
2 your hands wrapped around these complex systems. So having
3 those personnel available and participate would be very
4 helpful. I know that it was done, for instance, in the 3M
5 litigation where they had in-person face-to-face conferrals
6 with the technical experts from the entities present.

7 **THE COURT:** It doesn't surprise me at all that defense
8 counsel might need to update or correct information they have
9 because their clients have such complicated systems that have
10 so much information. So, yes, I understand what plaintiffs'
11 counsel are saying.

12 Let me turn to defendants. Your objectives were easier
13 to figure out from the proposed order. I think you're trying
14 to limit the burden that each of your clients is facing, and I
15 understand why you want and need to do that.

16 But then in terms of next steps, why don't I hear your
17 thoughts and you might have different thoughts. So whoever
18 wants to go first for the defendants, please go ahead.

19 **MS. SIMONSEN:** Thank you, Your Honor.

20 Ashley Simonsen for the Meta defendants, and I'll be
21 speaking for all of the defendants, of course, subject to
22 their jumping in with anything additional they'd like to add.

23 I think in terms of next steps and maybe I'll start with
24 what we're looking to accomplish here, really from the outset
25 of these cases, I think all parties have been looking to

1 accomplish is with a recognition of the incredible complexity
2 of the data potentially at issue in these cases and the data
3 at each of the defendants setting out some clear guidelines as
4 to what constitutes relevant data that needs to be preserved
5 and the defendants can preserve.

6 Now in the first instance, our proposed preservation
7 order did try to delineate kind of specific categories of
8 information that we would preserve across a number of data
9 sources. Through the course of our conferral with plaintiffs,
10 we actually narrowed it considerably to really only one data
11 source for which we are spelling out exactly what each
12 defendants' system has and the defendants can therefore
13 preserve.

14 And that's the section detailing what each defendant will
15 preserve as it relates to user account data. And the reason
16 that we think it's important to be very specific in terms of
17 what we're going to preserve when it comes to user account
18 data is that there is such voluminous data on defendants'
19 systems and only certain of it is going to be probative of the
20 plaintiffs' claims, only certain of it will the
21 proportionality analysis weigh in favor of its preservation.

22 And we've spent a lot of time talking with plaintiffs
23 about exactly what our responsive account capture tools can
24 capture so they understand exactly what is contained in those
25 tools. That is the only category of information for which we

1 are attempting to delineate what we would preserve. With the
2 exception of that category, we are committing to take
3 reasonable and proportional steps to preserve potentially
4 relevant information.

5 And just like the plaintiffs, we also have a list like
6 they do, as Your Honor pointed out is helpful, of the types of
7 information that are considered relevant in these cases. And
8 the plaintiffs and defendants, I don't believe, are that far
9 apart on that list. We conferred extensively on it, and I
10 think that's one of the goals of this preservation order. I
11 agree with Mr. Ayers on that point, that having some guidance
12 in a preservation order as to what the categories of relevant
13 information are is going to be helpful to all of the parties
14 down the road to understanding what we all sort of agreed at
15 the outset were general categories of relevant information.

16 The other thing I would say is that I think while I
17 understand Your Honor's point that setting forth that we have
18 an obligation to preserve, to take reasonable and
19 proportionate steps to preserve relevant information, that is
20 a broad standard, but there's a lot of meat that can be put on
21 those bones from the case law in terms of what reasonable and
22 proportional means.

23 And I think it sounds like we are actually in agreement
24 with plaintiffs that setting forth our obligations to preserve
25 relevant information in terms of reasonableness and

1 proportionality does make sense.

2 The only place where we disagree with plaintiffs is
3 they're wanting to define proportionality in a way that is
4 contrary to what existing case law says. So with that in mind
5 in terms of what we were looking to achieve with this order, I
6 think that what might make the most sense is for Your Honor to
7 order the parties to return to meeting and conferring
8 specifically -- and to really try to specifically hone in on
9 what exactly, what information in this category of user
10 account data do plaintiffs feel defendants aren't preserving
11 but should be preserving or that their concern is not captured
12 by that category so that we can reach some agreement with
13 respect to the account captures that were each taken about
14 what those account captures are going to contain.

15 I do not believe -- and then to come back to Your Honor
16 with some maybe competing proposed language for that section,
17 some maybe competing proposed language for how we explain the
18 reasonable and proportional steps that we'll commit to take
19 with respect to preserving relevant information, and competing
20 language on illustrative categories of relevant information.

21 With respect to plaintiffs' request for an on-the-record
22 meet and confer, it sounds to me that they're jumping straight
23 to Your Honor with a request for essentially discovery on
24 discovery during a time when discovery is stayed. Defendants
25 have gone above and beyond in terms of the volume of

1 information we've actually shared with plaintiffs,
2 notwithstanding the stay of discovery, notwithstanding the
3 fact that no 26(f) conference has been required.

4 Nevertheless, we've spent over 12 hours sharing detailed
5 information about our systems and data and the limitations on
6 those systems and data. Exactly the information that
7 Mr. Ayers just said he's looking for, we have supplied.

8 And when they've asked questions, we've gotten the
9 answers and we followed up with them where we've been able to.
10 And those discussions I would submit have been quite
11 productive. They've resulted in at least on defendants' side
12 we've made modifications to our proposed order in light of
13 discussions that we've had with plaintiffs. I already alluded
14 to one of them, limiting the categories of information for
15 which we're proposing to only need exactly what we need to
16 preserve. That's just one example.

17 I don't think at this time it's appropriate for -- to the
18 extent Mr. Ayers is suggesting that this needs to be on the
19 record meet and confers in the sense of some kind of
20 deposition or written responses, I don't think that's
21 appropriate this time. We are accomplishing all that we need
22 to accomplish with these meet and confers in an informal
23 manner.

24 And more importantly than anything, as I'm sure
25 plaintiffs know, before they would ever be entitled to

1 discovery on discovery, they would have to show a need, they
2 would have to show a reason to believe the defendants are not
3 preserving information that needs to be preserved in the
4 cases. And we've been fully transparent with them about what
5 we are preserving. We've also been fully transparent with
6 them about certain types of data that we aren't preserving so
7 that they know that and so that they can come to Your Honor at
8 some point if that's appropriate and ask that it be preserved
9 and, to Your Honor's point, have motion practice on it.

10 So I would submit that having the parties return to a
11 meet and confer with the goal of delineating user account data
12 that we're going to preserve and trying to agree on more
13 language to define our general preservation obligations beyond
14 that would probably be the most productive, but I welcome
15 other defendants' thoughts if they have something to add.

16 **THE COURT:** Anyone else want to chime in for the defense?

17 **MS. MACHOK:** Yes, Samantha Machok for YouTube. I just
18 want to, in response to Your Honor's question about what are
19 we trying to accomplish and you expressed concern that you
20 didn't understand what might be omitted from our version or
21 what you would be ordering if you entered our order.

22 And just to try to provide a little more color around
23 that in this category of user data, we really want to define
24 and have clarity, at least speaking from YouTube's
25 perspective, about what the scope of our preservation

1 obligations are with respect to user data. Because to give
2 you one concrete example, plaintiffs have taken the position
3 that every single bit of data that might affect a
4 personalization algorithm is relevant to this case and must be
5 preserved.

6 That is an immense immense amount of data that is
7 transient in many cases and that doesn't exist for the
8 historical time periods that would be relevant to plaintiffs'
9 claims. For example, if plaintiff has a claim that they were
10 harmed because they watched a video that led them to take a
11 dangerous action two or three years ago.

12 That random snapshot of that data at the current moment
13 in time, for example, would not be at all probative of what
14 was shown to that plaintiff in the weeks leading up to that
15 event. So we have been very transparent with plaintiffs about
16 what we can preserve, what exists, what doesn't exist.

17 And we have invited them repeatedly to come back to us
18 and say we think this -- based on what you've told us, we
19 think this information is really important and we want you to
20 create a new -- and let me back up. Preserving much of this
21 information would require us to create new tools.

22 And so we have said to plaintiffs if you need us to
23 preserve information, you need to identify what you want us to
24 preserve. Simply saying everything is not workable, so come
25 back to us and we will engage with you specific categories of

1 data, of user data.

2 And so that's -- we have not received that reciprocity.

3 We haven't received that. In terms of what would be useful
4 next steps, it would be having an actual meet and confer that
5 is a two-way street and then being able to tee up -- hopefully
6 reach agreement as to what is a reasonable and proportional
7 step to take to preserve categories that plaintiffs think will
8 actually be probative of their claims.

9 And to the extent the parties can't agree that a
10 particular category of user data is relevant or would be
11 reasonable and proportionate to preserve, we could tee that up
12 to Your Honor in the context of a specific motion supported by
13 declarations. And we would actually present Your Honor with
14 the context and information you need to decide that dispute
15 and would give everyone a lot more clarity going forward and
16 would permit -- would avoid having that dispute two years,
17 three years down the road when it's too late because the data
18 no longer exists.

19 So that's what -- speaking on behalf of YouTube, that's
20 what we are trying to accomplish.

21 **THE COURT:** Okay. Thank you. That's helpful.

22 I noticed that the defendants, it looks like you want to
23 cabin information or information that's preserved to user
24 account information. I'm not prepared today to say that
25 that's the proper universe. Maybe it is. But I am not

1 prepared to say that today.

2 I think what you should do at meet and confer is also
3 identify for plaintiffs things that are not user account
4 information that might have what plaintiffs consider to be
5 potentially relevant. And then if you think it's not
6 proportional or reasonable to preserve that, tell them why
7 that's the case. But they're entitled to know what's outside
8 of the box of user account information even if you disagree
9 about whether it ought to be preserved.

10 Basically, I think in meet and confer, the defendants
11 should identify every system or data source that has the
12 potentially relevant information, just tell the plaintiffs
13 what that is and then tell them what you think is reasonable
14 and proportional for you to preserve and what you think isn't.
15 And even if they disagree -- let's just go ahead and assume
16 that the parties are likely to disagree, I think that's likely
17 and that's fine -- then that can be teed up for me.

18 But I don't like the idea of entering an order that says
19 do what is reasonable and proportional because I feel like
20 that just kicks the disputes down the road. I would like the
21 parties to fight in front of me about specific systems where
22 plaintiffs say we want X, Y, and Z, and you'll say we'll do X
23 but we won't do Y and Z but there's specificity and so people
24 know what's at stake and what's not at stake.

25 So I think I should send you back to meeting and

1 conferring. But I also want to -- I take Ms. Simonsen's
2 admonition correct that this should not be formal. I don't
3 think it should be on the record. I think just regular
4 meeting and conferring in the way that you've been doing
5 should be sufficient.

6 But I also want to impose a deadline for when the parties
7 have done what they can and then should bring a dispute to me.
8 And I'm wondering if rather than today deciding how you want
9 to raise the disputes with me, because maybe you just don't
10 know, you have to do this additional meeting and conferring,
11 maybe we should set another date -- this is just a thought
12 that I'm throwing out there for you all to take aim at --
13 another hearing 30 days from now. In the meantime, I'll tell
14 you to meet and confer. And at that hearing, we could discuss
15 the form in which you raise disputes with me, whether it's
16 some letter briefs or motions or exactly how you want to tee
17 up those disputes because you might have a better sense then
18 about what the disputes are and how long you need to brief
19 them.

20 But first, let me turn to plaintiffs. What do you think
21 about this idea I've now thrown out?

22 **MR. AYERS:** I think it's important for the parties to
23 meet and confer, as you suggested, to have a better
24 understanding of the systems that they wish to carve out based
25 upon proportionality.

1 And the order that potentially we could submit may be
2 something rather than listing everything could just list --
3 could identify and specify those systems that the parties
4 believe would be not reasonably proportionate to preserve and
5 where there's been adequate showing and discussion by the
6 parties with respect to those systems. But that's I think
7 where the parties should meet and confer on.

8 With respect to the 30 days, just given that there's --
9 the number of parties, it may make -- we may need more time,
10 but starting with 30 days would be adequate. And if we need
11 to move it, we can always ask the Court. But I think a tight
12 deadline is probably best.

13 **THE COURT:** Okay. And to be clear, just as I'm not
14 prepared today to say that user account information is the
15 only information, I'm not prepared today to bind to the way
16 that you've described things, Mr. Ayers, as carveouts.

17 I think what I want the parties to get to is the
18 defendants are preserving A, B, and C but not X, Y, and Z. I
19 don't want it to be they're preserving everything except
20 certain things because I don't think that gives them
21 appropriate guidance. And it doesn't give plaintiffs guidance
22 either because you don't know affirmatively what falls within,
23 whatever everything is if they just list exceptions.

24 So I would want specificity A, B, and C and not X, Y, and
25 Z. And, of course, those will likely be different for each of

1 the defendants depending on their technical needs.

2 Let me turn to defense counsel. What do you think about
3 we just right now schedule another hearing 30 days out and
4 then we can talk I guess at that point about whether the
5 parties need more time to meet and confer or if it's time to
6 start briefing preservation issues? What are your thoughts on
7 that?

8 **MS. SIMONSEN:** Speaking for the Meta defendants, I think
9 that makes very good sense. And I appreciate the opportunity
10 to consider further what additional types of briefing we might
11 need to do on this. For instance, it may be that we need to
12 put in declarations to support burden arguments as just one
13 example.

14 And so I appreciate the opportunity to re-vist this in 30
15 days to see what disputes remain outstanding and what kind of
16 submissions we might need to make to support our burden or
17 proportionality arguments.

18 **THE COURT:** Okay. Any other defendants?

19 Mr. Ayers, it looked like you wanted to say something.

20 **MR. AYERS:** I did, Your Honor. I was just going to add
21 that it might -- granted, I know Your Honor wants to give us
22 time to discuss, but I was just responding to something that
23 Ms. Simonsen was suggesting with respect to declarations.

24 If we get there and there needs to -- and I think
25 declarations of burden or proportionality would probably make

1 sense if we need to go there. And it also may make sense for
2 those declarations to be shared with plaintiffs ahead of
3 filing so we would have the opportunity to obviously meet and
4 confer related to everything in there and have the benefit of
5 seeing those before they're submitted to the Court.

6 **THE COURT:** Thanks for the comment.

7 I think now we're getting a little bit ahead of ourselves
8 because first we need to figure out exactly how these disputes
9 will be teed up. But we can talk about that issue further at
10 the next hearing.

11 So I think -- well, today is July 6th. I'm going to look
12 --

13 **THE CLERK:** Thirty days out, Judge, would be around
14 August 7th.

15 **THE COURT:** Okay. I think --

16 **THE CLERK:** That's a Monday.

17 **THE COURT:** I'm thinking we come back on Monday, August
18 7th at 1:00 p.m. Probably not everybody can make that, but if
19 you can all quickly look at your calendars to see if people
20 who need to be here are available on that day.

21 **MS. SIMONSEN:** That works for the Meta defendants, Your
22 Honor.

23 **MR. AYERS:** This was September -- no.

24 **THE COURT:** August.

25 **THE CLERK:** August 7th.

1 **MR. AYERS:** August 7th?

2 **THE CLERK:** Yes.

3 **MR. AYERS:** I can say that works for me. Would that work
4 for the rest of plaintiffs?

5 **MR. WARREN:** It works for me.

6 **MS. HAZAM:** Yes, also. Thank you.

7 **THE COURT:** How about the Google defendants?

8 **MS. MACHOK:** Yes, that should work. Thank you,
9 Your Honor.

10 **THE COURT:** And TikTok?

11 **MS. FITERMAN:** Yes, Your Honor.

12 **THE COURT:** And how about Snap?

13 **MS. BELL:** Yes, Your Honor.

14 **THE COURT:** Did I miss any other defendant? No?

15 Okay, that's all of them.

16 Okay. Well, great. Then I order you to meet and confer
17 further about preservation issues along the lines that we've
18 discussed at this hearing today. And then we're going to have
19 a further hearing on August 7th at 1:00 p.m., and we'll talk
20 about the state of the meeting and conferring. And if you're
21 at the point where it's ripe to brief preservation issues,
22 then we'll discuss further at that time what the briefing
23 should be.

24 And so before we end things for today, let me just ask
25 plaintiffs anything else that you wanted to raise at this

1 hearing today?

2 **MR. AYERS:** No, Your Honor. We've covered it. Thank
3 you.

4 **THE COURT:** And how about for the defendants?

5 **MS. SIMONSEN:** Nothing further from the defendants, Your
6 Honor.

7 **THE COURT:** All right. Thank you, counsel. Good luck
8 with the meeting and conferring, and I will see you on Monday,
9 August 7th at 1:00 p.m. Have a good afternoon.

10 **MR. AYERS:** Thank you, Your Honor.

11 **MS. SIMONSEN:** Thank you, Your Honor.

12 **THE CLERK:** Thank you, everyone. We're off the record in
13 this matter. Court is in recess.

14 (Proceedings adjourned at 1:39 p.m.)

15 ---000---
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF TRANSCRIBER

2 I, DIPTI PATEL, certify that the foregoing is a true and
3 correct transcript, to the best of my ability, of the above
4 pages of the official electronic sound recording provided to
5 me by the U.S. District Court for the Northern District of
6 California of the proceedings take on the date and time
7 previously stated in the above-entitled matter.

8 I further certify that I am neither counsel for, related
9 to, nor employed by any of the parties to the action in which
10 this hearing was taken.

11 I further certify that I am not financially nor otherwise
12 interested in the outcome of the action.

13

14 _____
15 *Dipti Patel*

16 DIPTI PATEL, CET-997

17 LIBERTY TRANSCRIPTS

18 Date: July 11, 2023

19

20

21

22

23

24

25